

Professor Brandon Draper
UH Law Center
Advanced Trial Advocacy
Fall Semester 2017

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University of Houston Law Center

Advanced Trial Advocacy

Syllabus

Fall Semester 2017

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1. **Purpose:** The purpose of this syllabus is to provide details concerning the requirements applicable to this course, including the schedule for class sessions, examination policies, professor availability, and similar matters.
2. **Class date & time:** Tuesday 6PM – 9PM,
3. **Required materials for this course:**
 - a. Thomas A. Mauet, “Trials Techniques & Trials,” Aspen Publishers (Ninth Edition or most recent available at UH Bookstore) – May be purchased at the UH Bookstore or at www.Amazon.com
 - b. Federal Rules of Evidence (can be viewed online or purchased)
 - c. *United States v. Lone Star Recycling & Leslie Shay* (TYLA case file), publically available at <http://www.tyla.org/tyla/assets/File/2017%20National%20Problem.pdf>
4. **Supplemental materials for this course:**
 - a. Goode & Wellborn, “Courtroom Evidence Handbook 2016-2017 Student Edition,” Thomson West (2016). ISBN-13: 978-1634607421.
 - b. Additional supplemental materials, including but not limited to the second case that will be the basis of our final, will be provided at a later date and will be made available by email.
5. **Office Hours:** By appointment
6. **Contact Information:**
 - a. **Phone:** (281) 341-4460
 - b. **Email:** draper.brandn@gmail.com (preferred contact method)
7. **Pre-requisites:** Trial Advocacy
8. **Introduction:** This course will focus on in-depth analysis, planning, and practice of preferred systems and techniques for trial advocacy in the federal system. The analytical skills to be emphasized are: (1) Integrating legal requisites with evidentiary story telling;

(2) Theme development; (3) Effective opening statements; (4) Effective handling of exhibits and real evidence; (5) effective direct questioning; (6) effective cross examination; (7) Effective closing argument; (8) Vocabulary development; and (9) offering and opposing evidence.

9. **Course Objectives:** This is an advanced course offered to students who have been exposed to the basic concepts of trial advocacy theory and practice.

We hope to accomplish two goals. First, you will develop skills that will make you a better lawyer. Second, you will develop a more mature understanding of trial advocacy in terms connected to adjacent questions about learning, rationality, ethics, organizational behavior, and other fields. Specifically, this course should help you prepare persuasive presentations in a purposeful and thoughtful manner and critically evaluate outcomes and experiences.

10. **Trials:** There will be two trials during the semester. You are responsible for bringing your own witnesses to each trial. You are responsible for bringing a juror to jury selection night.

11. Grading & Attendance:

- a. Attendance is mandatory. Unexcused absences will reduce your grade.
- b. You will be graded every class period on your performance and preparation. You must be prepared to be the witness and examine the witness every class period in which we do direct and cross. You must be prepared to both open and close when those exercises are assigned.
- c. Grade breakdown:
 - i. Class: 20%
 - ii. Midterm Bench Trial: 30%
 - iii. Final Jury Trial: 50%

12. Class Schedule:

- a. **Class 1 – August 22, 2017**
 - i. Persuasion and Strategy, Preparation & Organization (Mauet Chs. 1-2)
 - ii. Evidence Marshalling
- b. **Class 2 – August 29, 2017**
 - i. Closing Arguments (Mauet Ch. 9)
- c. **Class 3 – September 5, 2017**
 - i. Opening Statements (Mauet Ch. 4)

- d. **Class 4 – September 12, 2017**
 - i. Direct Questioning (Mauet Ch. 5)
- e. **Class 5 – September 19, 2017**
 - i. Cross Examination (Mauet Ch. 6)
- f. **Midterm Bench Trial – September 23, 2017**
- g. **Class 6 – September 26, 2017**
 - i. Experts (Mauet Ch. 8)
 - ii. Evidence Marshalling
- h. **Class 7 – October 3, 2017**
 - i. Jury Selection (Mauet Ch. 3)
- i. **Class 8 – October 10, 2017**
 - i. Pre- & Mid-Trial Motions/Procedure (Mauet Ch. 12)
- j. **Class 9 – October 17, 2017**
 - i. Closing Arguments
 - ii. Objections made in closing
- k. **Class 10 – October 24, 2017**
 - i. Opening Statements
 - ii. Objections made in opening
- l. **Class 11 – October 31, 2017**
 - i. Direct Questioning
 - ii. Voir Dire of experts
- m. **Class 12 – November 7, 2017**
 - i. Cross Examination
 - ii. Impeachment Techniques
- n. **Final Jury Trial – TBA**